

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

RALPH WAYNE BOOZER AND  
KATHERINE BOOZER

vs.

DEERE & COMPANY, ET AL.

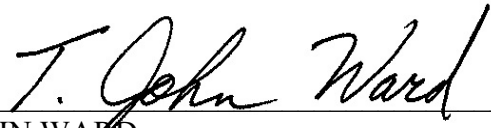
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CASE NO. 2:09-CV-243-TJW-CE

**ORDER**

The above-titled and numbered civil action was referred to United States Magistrate Judge Chad Everingham pursuant to 28 U.S.C. § 636. The report of the Magistrate Judge (Dkt. No. 19), which contains his recommendation that the court deny the defendant's motion to dismiss (Dkt. No. 16), and instead grant leave for the plaintiff to amend its complaint, has been presented for consideration. No objections were filed to the report and recommendation. The court is of the opinion that the conclusions of the Magistrate Judge are correct. Therefore, the court adopts, in its entirety, the report of the United States Magistrate Judge as the conclusions of this court. Accordingly, the court grants leave for the plaintiff to file an amended complaint within fourteen days.

SIGNED this 25th day of August, 2010.

  
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T. JOHN WARD  
UNITED STATES DISTRICT JUDGE